

Appendix

D

Land Use Regulatory/ Implementation Mechanisms

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Open Space and Conservation Element

Excerpt from Pages 27 - 29 (adopted by City Council September 6, 1994)

GOALS

A.7 A city which makes every possible effort to preserve sensitive flora and fauna.

A.8 A city which preserves a variety of unique conservation areas to accommodate the needs of humans, plants and animals.

A.9 A city which protects wildlife habitat through the preservation and enhancement of significant feeding, nesting, and breeding areas.

A.10 A city which preserves, to the maximum extent possible, the existing level of biodiversity.

OBJECTIVES

B.6 To develop, a multi-species habitat program that is consistent with the Goals, Objectives and Policies of this Element.

B.12 To protect rare, threatened or endangered plant and animal communities.

B.14 To coordinate city habitat management planning efforts with federal, state and local agencies, and other planning efforts of the City.

IMPLEMENTING POLICIES AND ACTION PROGRAMS

C.2 Amend ordinances as necessary to define sensitive and constrained lands consistent with the City's habitat management planning efforts, and prohibit development and density credit thereon.

C.22 Participate in the statewide and regional plans (the state of California's Natural Community Conservation Planning (NCCP), efforts with SANDAG and other north county cities in the preparation of a North County Wildlife Forum Multi-species Habitat Conservation Plan), to conserve sensitive environmental resources.

C.23 Coordinate planning and development of a citywide open space system with habitat planning efforts.

C.25 Coordinate the protection of wetlands, woodlands, riparian areas, and other sensitive habitat areas with appropriate state and federal protection agencies.

C.26 Encourage and participate in regional planning efforts to protect environmentally sensitive species from extinction.

NEW

C.34 Require the planning and development of all future projects to comply with the Carlsbad Habitat Management Plan incorporated herein by reference.

Open Space

Excerpt from Carlsbad Municipal Code

21.53.230 Residential density calculations, residential development restrictions on open space and environmentally sensitive lands.

(a) *For the purposes of Titles 20 and 21 of this code, residential density shall be determined based on the number of dwelling units per developable acre of property.*

(b) *The following lands are considered to be undevelopable and except for (8) and (10) shall be excluded from density calculations:*

- (1) *Beaches;*
- (2) *Permanent bodies of water;*
- (3) *Floodways;*
- (4) *Slopes with an inclination of greater than forty percent or more;*
- (5) *Significant wetlands;*
- (6) *Significant riparian or woodland habitats;*
- (7) *Land subject to major power transmission easements;*
- (8) *Land upon which other significant environmental features as determined by the environmental review process for a project are located;*
- (9) *Railroad track beds.*
- (10) *Habitat Preserve Lands as identified in the Carlsbad*

Habitat Management Plan

(c) *No residential development shall occur on any property listed in subsection (b). Subject to the provisions of Chapters 21.33 and 21.110, the city council may permit limited development of such property if, when considering the property as a whole, the prohibition against development would constitute an unconstitutional deprivation of property. The planning commission or city council, whichever the final discretionary body for a residential development may permit accessory facilities, view areas, and vehicular parking areas, to be located in floodplains (subject to Chapter 21.31) and on land subject to major power transmission easements.*

* **Note: New wording underlined, bold and in italics.**

Conservation Standards

Addition to Carlsbad Municipal Code

21.53.245 Conservation of lands located within standards areas of Habitat Management Plan

Lands located within the standards area of the Preserve System identified in the Carlsbad Habitat Management Plan shall comply with the specific conservation standards contained in the Plan.

GROWTH MANAGEMENT PERFORMANCE STANDARD

Excerpt from Appendix II CITYWIDE FACILITIES AND IMPROVEMENTS PLAN, September 16, 1996

PUBLIC FACILITY AND SERVICE PERFORMANCE STANDARDS

Open Space Fifteen percent of the total land area in the zone exclusive of environmentally constrained non-developable land must be set aside for permanent open space and must be available concurrent with development.

Open Space and Conservation Resource Management Plan Excerpt

V. LOCAL FACILITIES MANAGEMENT ZONE AND IMPLEMENTATION PLAN

Open Space and Conservation Resource Management Plan

Zone 17

Gross Area: 593 acres

Zone Open Space Status: There are no approved development plans in this zone and it is therefore considered not committed in terms of the delineation of future open space areas.

General Plan: The City's General Plan designates land uses throughout the zone. (Due to the scale of the General Plan Land Use Map and other mapping constraints, not all designated open space is necessarily shown on the map, and therefore, there may be apparent discrepancies between the open space figure below and the figures in Tables 1 and 3.) The following acreages are measured from the current General Plan Land Use Map:

<u>Land Use</u>	<u>Gross Acreage</u>
Open Space	175
Residential	255
Commercial	0
Industrial	0
Schools	0
Railroad	N/A
Other	163

Zoning: Zone 17 is designated Limited Control (L-C).

Growth Management
15 Percent Open Space: Development within this zone must meet the requirements of the growth management 15 percent open space performance standard.

Local Facilities
Management Plan: There is no Local Facilities Management Plan for this zone, but a plan is in the initial planning stages.

Major Developments: There are no proposed developments at this time. The Bressi Ranch is the major property ownership in this zone.

Development Status: N/A

Existing/Approved
Open Space: There are no existing open space areas in public ownership or secured through approved development plans in this zone.

Constrained Open Space
Per City Growth
Management Plan: Steep slopes (over 25 percent) are the primary constraint in this zone.

Trails System: Trail Segment No. 35 is proposed to run north from Carrillo Way connecting to Palomar Airport Road at the future intersection of Melrose (see Maps 11

and 14). The east-to-west Segment No. 34 will form a major connection from Carrillo Ranch to the future Alta Norte Park site (see Map 14).

**Primary Open Space
Action Priorities:**

Plant/Animal life/Habitat (1a.): Wildlife corridor functions should be addressed as an important component of a greenway defined for the southern part of this zone. The site planning and design for this greenway will need to examine the location of facilities for public access so as to not impact natural resource values. The greenway design should incorporate riparian enhancement where appropriate.

Canyons/Hillsides (1e.); Scenic/Cultural/Educational 4a.): There is a series of small canyons which extend perpendicular to the east side of El Camino Real. Where possible, these should be preserved in natural open space as an aesthetic amenity visible from the roadway.

Greenways (3c.); Trails (3d.): The east-to-west Trail Segment No. 34 should be located within an open space corridor which would reach from the City boundary with San Marcos, (there is also an open space corridor in this valley in San Marcos) west to the Alta Norte Park site, and ultimately onward to the Zone 19 Park site., Alta Mira Park, and via a northward spur, to Veteran's Memorial Park in Zone 8. This greenway corridor should be the primary focus for open space in this zone (Segment 35 on Maps 11 and 14). And additional greenway corridor should be planned to connect from Palomar Airport Road and Trail Segment No. 26 southward along the east side of the zone.

The greenways and trails can be adjusted as warranted, as better information becomes available through additional field work, further environmental analysis, more detailed planning, or similar future planning activities as may be approved by the Planning Department. The maintenance and liability of the Carlsbad Trail System will be the responsibility of the City of Carlsbad.

**Secondary Open Space
Action Priority:**

Land Use Buffers/Entries (4b.): Palomar Airport Road and El Camino Real are two of the most heavily traveled routes in Carlsbad. The expansion of open space within the viewsheds of these designated scenic roadways should be considered when land use plans are defined for this zone.

**High Priority Implemented
Through Other Programs:**

School Grounds (3a.): There may be potential in the future to establish/enhance joint use agreements at school sites in the zone. Assessing the need for and negotiation of any joint use agreements is the responsibility of the Parks and Recreation Department.

Public Parks/Recreation Areas (3b.): Planning, design and management of the public parks in the zone are guided by the Parks and Recreation Element of the General Plan and administered by the Parks and Recreation Department.

Council Policy Statement No. 43

CITY OF CARLSBAD

COUNCIL POLICY STATEMENT

Policy No. 43
Date Issued 4/22/97
Effective Date 4/22/97
Cancellation Date _____
Supersedes No. _____

General Subject: Proposition E "Excess" Dwelling
Unit Allocation

Specific Subject: Formal Procedure Establishing
Guidelines for Allocation of
Proposition E "Excess" Dwelling
Units

Copies to: City Council, City Manager, City Attorney, Department and Division Heads, Employee
Bulletin Boards, Press, File

PURPOSE

To establish guidelines for allocation of "excess" dwelling units when, following the adoption of all residential Local Facilities Management Plans within a quadrant, the Proposition E quadrant cap is greater than the number of dwelling units approved or issued after November 4, 1986, plus the allowable units per the Growth Management Control Points.

STATEMENT OF POLICY

Although it should not be mandatory that excess dwelling units be allocated if they become available and it would be desirable to not attain the ultimate residential dwelling unit caps established by the adoption of Proposition E, the following criteria is established to determine eligibility for consideration of "excess" dwelling unit allocation, subject to the required findings in Proposition E.

Projects eligible for consideration in order of priority include:

First Priority

1. Housing development for lower-income households where allowable housing expenses paid by the qualifying household does not exceed thirty percent (30%) of the gross monthly income, adjusted for household size, at eighty percent (80%) of the county median income.
2. Density transfers, clustering of development and dwelling unit locational adjustments which are proposed in order to preserve larger areas of sensitive habitat ***as identified in the Carlsbad Habitat Management Plan.***
3. Infill Single Family Subdivisions that meet all development standards and where proposed lot sizes will be equal to or greater than adjacent subdivided properties.

New text in bold italics